

1 KELLER BENVENUTTI KIM LLP
2 Jane Kim (#298192)
(jkim@kbkllp.com)
3 David A. Taylor (#247433)
(dtaylor@kbkllp.com)
4 Thomas B. Rupp (#278041)
(trupp@kbkllp.com)
5 650 California Street, Suite 1900
San Francisco, CA 94108
6 Tel: (415) 496-6723
Fax: (650) 636-9251

7
8 Jennifer L. Dodge (#195321)
9 LAW OFFICES OF JENNIFER L. DODGE INC.
(jdodgelaw@jenniferdodgelaw.com)
10 2512 Artesia Blvd., Suite 300D
Redondo Beach, California 90278
11 Tel: (310) 372.3344
Fax: (310) 861.8044

12 *Attorneys for Debtors and Reorganized
13 Debtors*

14
15 **UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

16 In re:

17 **PG&E CORPORATION,**

18 **- and -**

19 **PACIFIC GAS AND ELECTRIC
COMPANY,**

20 **Debtors.**

21 Case No. 19-30088 (DM)
Chapter 11
(Lead Case)
(Jointly Administered)

22 **STATUS CONFERENCE STATEMENT
REGARDING REORGANIZED
DEBTORS' OBJECTIONS TO CLAIMS
OF TODD GREENBERG (CLAIMS NOS.
76018, 77335, 78381)**

- 23
24
25
26
27
28
 Affects PG&E Corporation
 Affects Pacific Gas and Electric Company
 Affects both Debtors

* All papers shall be filed in the Lead Case,
No. 19-30088 (DM).

[Related to Dkt. Nos. 9455, 11420, 11992]

Hearing: April 12, 2022
Time: 10:00 a.m. (Pacific Time)
Place: (Tele/Videoconference Only)
United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

1 Pacific Gas and Electric Company (the “Utility” or “PG&E”), as debtor and reorganized
2 debtor in the above-captioned Chapter 11 cases (the “**Chapter 11 Cases**”), hereby submits this
3 status conference statement in connection with its objections to the claims of Todd Greenberg
4 (“**Greenberg**” or “**Claimant**”) through the *Reorganized Debtors’ Fortieth Omnibus Objection*
5 to *Claims (No Liability / Passthrough Claims)* [Docket No. 9455] (the “**Fortieth Omnibus**
6 **Objection**”), which objects to Proof of Claim No. 77335 (the “**Refrigerator Claim**”), and the
7 *Reorganized Debtors’ One Hundred Tenth Omnibus Objection to Claim Nos. 76018 and 78381*
8 (*Greenberg Claims*) [Docket No. 11420] (the “**One Hundred Tenth Omnibus Objection**”),
9 which objects to Proof of Claim Nos. 76108 (the “**Deck Claim**”) and 78381 (the “**Tree Claim**”)
10 (the Refrigerator Claim, Deck Claim, and Tree Claim are referred to collectively as the
11 “**Greenberg Claims**”).

12 For the reasons discussed below, PG&E will request at the hearing that the Scheduling
13 Order (defined below) be held in abeyance for all three of the Greenberg Claims pending
14 resolution of PG&E’s forthcoming motion to modify the Plan Injunction so that the Deck Claim
15 and Tree Claim may be heard in the state court litigation initiated by Greenberg against third
16 parties on these claims (discussed *infra*).

17 **I. PREVIOUS HEARINGS**

18 **a. December 21, 2021 Hearing**

19 On December 21, 2021, the Bankruptcy Court held a hearing to consider PG&E’s
20 objections to the Greenberg Claims. At the hearing, the Court scheduled a two-day trial by Zoom
21 on the Greenberg Claims for April 18-19, 2022 (the “**Trial Dates**”).

22 On February 10, 2022, the Parties entered into the *Stipulation Between Claimant Todd*
23 *Greenberg and Reorganized Debtor Pacific Gas and Electric Company to Continue Trial Date*
24 *for Claim Nos. 77335, 76081 and 78381* [Docket No. 11917]. On February 15, 2022, the Court
25 entered the *Order Approving Stipulation Between Claimant Todd Greenberg and Reorganized*
26 *Debtor Pacific Gas and Electric Company to Continue Trial Date for Claim Nos. 77335, 76081*
27 *and 78381* [Docket No. 11927], which continued the Trial Dates to June 27-28, 2022.

28

1 On February 16, 2022, after soliciting comments to the form of order from PG&E and
2 Greenberg, the Bankruptcy Court entered the *Scheduling Order for Remote Trial* (the
3 “**Scheduling Order**”) [Docket No. 11943].

4 **b. March 29, 2022 Hearing**

5 On March 29, 2022, the Bankruptcy Court held a hearing to consider *Creditor Todd*
6 *Greenberg’s Motion to Amend Claims Numbered 77335 and 76018* [Docket No. 11992] (the
7 “**Motion to Amend**”). At the March 29, 2022 hearing, the Court tentatively granted the Motion
8 to Amend, but observed that some extension of the Trial Dates may be necessary to allow
9 PG&E additional time for discovery and preparation in light of the amended claims.

10 At the March 29 hearing, counsel for PG&E informed the Court of an action (the “**State**
11 **Court Action**”) filed by Greenberg on February 3, 2022, in the California Superior Court,
12 County of Marin, where Greenberg is asserting a number of claims arising from the same facts
13 as the Deck Claim and Tree Claim against certain third parties, including various contractors
14 PG&E employed to perform work at Greenberg’s property. A copy of the complaint filed by
15 Greenberg in the State Court Action is attached hereto as **Exhibit A**.

16 Greenberg is barred from pursuing the Tree Claim and Deck Claim against PG&E in the
17 State Court Action under Sections 10.5 and 10.6 of the Plan¹ and Paragraphs 51 and 52 of the
18 Confirmation Order, which establish the “**Plan Injunction**,” which supersedes the automatic
19 stay in most respects and expressly prohibits (1) commencing, conducting, or continuing in any
20 manner, directly or indirectly, any suit, action, or other proceeding of any kind with respect to
21 any pre-petition claims against the Debtors or Reorganized Debtors, and (2) any effort to
22 enforce, collect or recover on any judgment based on any pre-petition claims.

23
24
25
26 ¹ On June 20, 2020, the Court entered an Order [Docket No. 8053] (the “**Confirmation Order**”)
27 confirming the *Debtors’ and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization*
28 *Dated June 19, 2020* [Docket No. 8048] (the “**Plan**”). The Plan became effective on July 1,
2020 [Docket No. 8252] (the “**Effective Date**”).

1 The Court continued the hearing to April 12, 2022, to allow the parties time to discuss
2 the possibility of the Deck Claim and Tree Claim being adjudicated in the State Court Action,
3 and any other scheduling matter relating to the Trial Dates.

4 **II. MATTERS TO BE DISCUSSED AT APRIL 12, 2022 HEARING**

5 Counsel for PG&E and Greenberg have discussed the possibility of PG&E joining the
6 State Court Action, either through intervention or amendment of the complaint to add PG&E as a
7 defendant. PG&E believes it is in the best interest of all parties to have the Deck Claim and Tree
8 Claim adjudicated in the State Court Action for the sake of judicial efficiency, because all
9 necessary and involved parties will be present in one forum. This will avoid unnecessary
10 duplication of efforts by PG&E and other parties and will allow PG&E to coordinate directly with
11 the other co-defendants regarding potential contribution and indemnification claims that may
12 arise. It will not prejudice Greenberg, who would be litigating his claims against PG&E in the
13 same forum where he has chosen to pursue his claims against the third parties. On April 11,
14 2022, counsel for Greenberg advised PG&E, without articulating a reason, that Greenberg does
15 not want the Deck Claim or Tree Claim to be heard in the State Court Action and will not agree to
16 modify the Plan Injunction.

17 PG&E believes that a request to modify the Plan Injunction is well-founded, and PG&E
18 therefore intends to file a motion making such request. However, should the motion be denied,
19 with all three Greenberg Claims to be tried before this Court, PG&E believes it remains in all
20 parties' best interests to have all three Greenberg Claims heard in a single trial. Furthermore, if
21 the Court intends to grant the Motion to Amend, the amended claims set forth new theories of
22 liability with regard to the Deck Claim, which will require additional time for discovery.
23 Accordingly, PG&E requests that the Scheduling Order be held in abeyance for all three of the
24 Greenberg Claims pending resolution of its motion to modify the Plan Injunction. PG&E will be
25 prepared to discuss a schedule for its motion to be heard promptly so that these issues may be
26 resolved and new Trial Dates set.

27 PG&E looks forward to discussing these issues with the Court at the April 12, 2022
28 hearing.

1
2 April 11, 2022
3
4

KELLER BENVENUTTI KIM LLP

LAW OFFICES OF JENNIFER L. DODGE INC.

5 By: /s/ Jennifer L. Dodge
6 Jennifer L. Dodge

7 Attorneys for Debtors and Reorganized Debtors
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28